

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
SEPTEMBER 27, 2010**

QUORUM:

A meeting of the Mayor and Common Council was held in the Council Chambers at City Hall, 1838 Emerald Hill Lane, Westminster, Maryland on the evening of September 27, 2010, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Chiavacci, Wack, and Pecoraro; City Administrator and Acting City Clerk Wolf, Acting City Treasurer Ehlers; Chief of Police Spaulding, Director of Planning, Zoning, and Development Beyard, Director of Public Works Glass, Director of Recreation and Parks Schroers; and City Attorney Levan were present. Councilwoman Albert was excused from attending.

Mr. Schroers introduced Eagle Scout Daniel Wohlgemuth. He explained that Mr. Wohlgemuth's Eagle Scout project was to construct two benches along the Wakefield Community Trail and plant a shade tree next to each. Mr. Schroers stated that he is extremely organized and presented himself very professionally, adding that Mr. Wohlgemuth stuck to his deadlines, raised a lot of money, and followed up on the project by making sure the trees were watered regularly during dry spells. Mayor Utz then presented Mr. Wohlgemuth with a Mayoral Recognition for his accomplishments with the project and obtaining his Eagle Scout status.

Dr. Roger Casey, McDaniel College's new president, thanked the Mayor and Common Council for the opportunity to speak to them. He stated that he and his wife moved to Westminster in June 2010 and started their tenure at the college on July 1st. Dr. Casey spoke on behalf of his colleagues at the college when expressed his hopes to create opportunities for as many partnerships as possible between the college and the community. He described some of McDaniel's recent successes and national recognitions such as being named, for the first time in the college's history, as one of America's top tier Liberal Arts Colleges. The College was also named one of the top 25 liberal arts colleges in America by Parade Magazine. In addition to those, Washington Monthly, in a survey of colleges, named McDaniel in the top five in the area of services, predominantly because of the strength of their ROTC program. Washington Monthly focuses on community service and the college's ability to give back to the country and the community in which they live. Dr. Casey stated that wonderful things are happening on "the hill," especially with art events and guest speakers. He reiterated that they want to work hard to create a strong partnership with the City and the County by making sure people are aware of what is happening. He invited the Mayor, Common Council, staff and the whole community to visit the college and walk around or attend a football game. He said that, in exchange, they would like to strengthen the community engagement. He explained that one of the things the college is doing right now is trying to create greater connections with the Boys and Girls Club and more opportunities for their students to serve in the public schools. Dr. Casey concluded by saying that he is delighted to be involved in this dialogue and he welcomes the communities of Westminster and Carroll County to talk with them about ways that they can greater partner and serve.

Mayor Utz recognized the accomplishments and long history of Grace Kelly-Lawler and recommended her appointment to the Westminster Historic District Commission to the Common Council. Dr. Wack moved to approve the recommendation. Mr. Chiavacci seconded and the motion passed unanimously.

Ms. Lawler-Kelly was in attendance and thanked the Mayor and Common Council for their approval to the Commission. Mr. Beyard added that she has been attending meetings prior to the appointment, but now she will be a full member.

MINUTES:

Upon motion of Mr. Pecoraro, seconded by Mr. Chiavacci and unanimously passed, the minutes of the Council meeting of September 13, 2010 were approved.

CONSENT CALENDAR:

Mr. Chiavacci moved to approve the Consent Calendar, which consisted of the approval of the August Departmental Operating Reports and the West End Lease Modification. Dr. Wack seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz reported that a large number of citizenry visited the town not only for FallFest, but also for the parade and Midnight Madness. He thanked the staff and volunteers that came out to make it happen. He stated that, weather wise, it was one of the most beautiful weekends and even though it rained Sunday morning, it was dry by the time the festivities started at noon. Mayor Utz extended his appreciation to the Recreation and Parks, Police, and Public Works departments for making it happen. He added that the event made the City stand tall and shine.

REPORTS FROM STANDING COMMITTEES:

Mr. Pecoraro gave an annual report on the success and efforts of the Tri-Street Area Advisory Committee. He stated that the Committee completed its work approximately a year ago. He explained that the Committee was established by the Mayor and Common Council in August 2008, meeting five times over the course of several months to address neighborhood issues and concerns in the area of Pennsylvania Avenue, Union Street and West Main Street, with the objective of creating an action plan for improving those communities that would actually address some of the concerns that people were raising. He added that the final report was presented to the Mayor and Common Council in March 2009. Mr. Pecoraro stated that they came up with a number of goals and there have been several of them that have come to fruition over the last several months.

Mr. Pecoraro described that one of their goals was to improve neighborhood pride and perception. Their idea was to go beyond Main Street to some of residential streets with a "Maple Street" program. He explained that the Maple Street Committee of Westminster designed a new grant program to help property owners within the Maple Street area to spruce up their home's appearance. He added that The "Paint-Up, Fix-Up Program"

provided matching funds to homeowners who want to complete exterior beautification projects or exterior home improvement projects. The program was designed to increase the pride of ownership within Westminster, as well as to promote overall beautification of the neighborhoods in the Maple Street area. He stated that out of the fifteen projects completed, ten were located in the Tri-Street community with the investment of approximately \$12,700 in Maple Street grant funds and a total of \$32,209 of local, private investment was generated in renovation, painting and related work. He added that in 2010, the City of Westminster received a \$75,000 Community Legacy grant from the Maryland Department of Housing and Community Development to help continue this effort and to include rental units. He stated that they are very pleased with how this goal has worked out.

Mr. Pecoraro continued his report in saying that another important goal was traffic calming and pedestrian accessibility. He explained that there were significant traffic problems in the Tri-Street area, particularly on Pennsylvania Avenue, where, even though the actual recorded data did not show that the speeding was excessive, there were other problems that the community thought were happening there. He stated that after going to the State in search of Community Legacy grant funds, they received almost \$300,000 to implement the Tri-Street Neighborhood Streetscape Project. He went further to say that the project was completed earlier in 2010 and has significantly improved pedestrian accessibility in the Tri-Street neighborhood. The completed streetscape improvements are found at the intersections of West Main Street and Pennsylvania Avenue, continuing to the intersection of Pennsylvania Avenue and Union Street and include crosswalks, landscaping, intersection improvements and related work in an effort to improve the safety in the community. He stated that the ribbon cutting was held in April in conjunction with the ground breaking ceremony for the Union Crossing project and, so far, the response from the public has been very positive. He explained that they have not solved all of the problems that the community has, but they have come a long way in trying to deal with most of them.

Mr. Pecoraro also reported another goal of the Tri-Street Committee was to develop a stronger working relationship with McDaniel College. He explained that the City has spent the past year working with a number of the college's officials to implement the "good neighbor policy" that seeks to educate off-campus students regarding the impact of their behavior and actions on the Tri-Street neighborhood. He added that Captain Gerry Frischkorn has participated in the filming of a video which is presented to each incoming freshman class at McDaniel College, including the current class. The video highlights the importance of college students being "good neighbors" as they interact with the community around them. For example, the students are asked to take advantage of the on-campus parking to assist local residents who have no option but street parking. He reported that joint enforcement activities are conducted periodically in which the Westminster Police Department and the Department of Campus Safety staff work collaboratively to address problems. He stated that one of the things the City is excited about exploring with the college's new leadership is not what the college can do to be a better neighbor to the City, but what the City can do to be a better neighbor to McDaniel.

Next, Mr. Pecoraro reported that the Committee's goal to enhance public safety was realized when a "Community Liaison Officer" was created to serve between the Police and

the Tri-Street community. He explained that Lieutenant Pat Bassler has been assigned to that role and according to the community, has been doing a terrific job with participating in a lot of activities in the community, such as the community block party at Dutterer Park. He added that Lt. Bassler prepares a monthly report on his activities, keeping the City better informed of what is happening there. Mr. Pecoraro believes that the community feels they have a stronger relationship with the police, which is an important part of what the Committee was trying to accomplish.

Mr. Pecoraro stated that another goal was to promote owner-occupancy of homes. He explained that a couple of years ago, the City embarked in a program of purchasing and renovating, through various methods, a number of homes in the Union Street area. He continued by say that most recently the City partnered with Episcopal Housing Corporation who, like the City, is committed to strengthening neighborhoods through housing and community development activities. This partnership lead to the development of the Union Crossing homeownership project. He explained that the project offers nine affordably-priced townhomes located at Union and 39th Streets. Four of these townhomes were completed in August, featuring 3 bedrooms, 1 ½ bath, plus a ready-to-finish basement, and the remaining five townhomes are anticipated to be completed by the end of 2010. He added that the completed project will not only increase the amount of the homeownership by 20%, but also transform the center of the Tri-Street neighborhood.

Finally, Mr. Pecoraro reported that the Committee wanted to develop a goal based around the resources that are in the community for arts and culture, particularly with the Carroll Arts Center on the that end of town. He added that the presence of McDaniel College is a critical factor, but one that the City has not done enough with in trying to impact the community. He explained that to take advantage of the opportunities that those resources provide, and keeping in mind and respecting the residential character, the Committee developed a plan to build economic vitality in those communities. He stated that in October 2009, the Committee established an Arts and Culture Task Force. He explained that after meeting five times over the course of several months, the Task Force issued a report which recommended the creation of an arts and culture overlay zone to encourage cultural entrepreneurs to open their studios, workshops, and practice bases to the community. He continued to say that other recommendations included strategies to promote the City's arts and culture neighborhood as a tourism opportunity and also to fully interconnect local arts and culture organizations and businesses with downtown Westminster.

Mr. Pecoraro reported that the first project implemented by the Arts and Culture Task Force was the "Paint the Town Purple" contest which played off our pride at having the Baltimore Ravens football team come to town for their training camp. He stated that with fourteen businesses participating, the City organized the contest that added the Raven's color to downtown Westminster during the late summer. The winners included Ain't That a Frame, who won the Purple Phenomenon award; Ernie's Place won the Purple Pride award; Sturgill & Associates, LLP won the Purple Passion award; and the Aura Salon & Spa won the Purple Fanatic award. Mr. Pecoraro continued by say that currently, work is being done to establish the arts and culture overlay zone in the City's zoning ordinance and, if approved, the City hopes to see arts and culture workshops, studios, and galleries opened throughout the Tri-Street neighborhood in the not too distant future. He concluded by stating that the Task Force is very excited about the opportunities in the coming year as

they continue to transform Westminster into an arts and culture city for everybody to embrace and explore and enjoy.

Mr. Chiavacci extended his appreciation to Chief Spaulding for his participation during the Cops on Rooftops event held September 25th through the 26th. He added that the Chief made the community very proud. Mr. Chiavacci also congratulated Mr. Schroers and his staff for their work with FallFest, calling it phenomenal. He stated that he was aware that the event seemed to run a bit smoother this year considering the good weather meant more people.

Dr. Wack reiterated the great work done on FallFest, and a great weekend overall. He thanked the City staff for all their help that made the event a huge success.

BIDS:

Mr. Glass summarized that the Gesell Well is a partnership between the City of Westminster and Carroll County where the City forwarded the funds to do exploratory drilling on the County property. He stated that once the water was found, agreements were put in place so that there was an equal share in the development of the well and the associated economics that came along with it. He explained that four bids were received for well's design ranging from \$89,398.00 to \$260,399.71. Mr. Glass revealed that Arro Engineering was the most economical bid at \$89,398.00. He added that Arro has done work for the City in the past, most recently the Carfarro Treatment Plant in 2001. He stated that, once approved, the City will have to negotiate a change order to include the design of a surface water intake at Little Pipe Creek. He explained that they were unaware that they were going to be required to do that by Maryland Department of the Environment at the time that the bid went out. Mr. Glass recommended that the Mayor and Common Council approve Arro Engineering's bid of \$89,398.00 for the design work for the Gesell Well. Upon motion of Dr. Wack and seconded by Mr. Pecoraro, the bid from Arro Engineering was approved.

NEW BUSINESS:

Mr. Pecoraro motioned pursuant to Section 10-508-A of the State Government Article of the Annotated Code of Maryland to conduct a closed meeting at the conclusion of the current meeting to consult counsel to obtain legal advice on a legal matter. Mr. Chiavacci seconded, and the motion passed unanimously.

DEPARTMENT REPORTS:

President and C.E.O. of the Westminster Fire and Hose Company No. 1 Bob Cumberland welcomed Dr. Casey to the City of Westminster and expressed his hopes to build a relationship between McDaniel College and the fire department. He then announced that on the first weekend in October, the National Fire Academy in Emmitsburg will hold their annual Fallen Firefighters Memorial Weekend to honor 105 fallen firefighters from the last year. He added that this moving event is in its 23rd year. Finally, he reported that he recently participated with the I-95 Coalition and Federal Highway Administration at a Highway Safety Summit at the Maritime Institute. He stated that they were looking at

working with law enforcement towers and emergency responders on the highway and how we can make them safer.

Mr. Glass reported on the September 19th water main break on Cranberry Road, near the intersection of Tremont Drive. He stated that around 10:00 a.m., the break was reported by a Water Treatment Plant employee after seeing the reduction in pressure. The Utility Maintenance department was contacted and, in an unprecedented quick response time, the leak was contained around 11:30 a.m. He added that the repairing required excavation and replacement of 10-12 feet of a 12-inch water main. Mr. Glass stated that approximately 200,000 gallons of water was lost, but that included the flushing that took place after the main break occurred. He continued by saying that parts of Carroll Meadows and Cranberry Road were out of service until 3:00 p.m. and the discolored water was persistent until approximately 7:00 p.m. when the flushing of the fire hydrants were complete. Mr. Glass also reported that on October 6th, there will be a preconstruction meeting for Green Street and Fitzhugh Avenue. He stated that the project will start shortly after the 6th on Fitzhugh, then continuing to Green.

Dr. Wack inquired as to how old that stretch of pipeline is, if he had a sense of why it failed, and where else does the City have this pipe. Mr. Glass responded by saying that the pipe is from 1972-1973 and is not old enough to experience the problems it has had. He added that that pipe can also be found along Rt. 27 from Hahn's to Tuc Road.

Mr. Schroers reported that FallFest was an absolute tremendous success this year. He thanked those who came out and spent the money to support the charities. He also thanked the residents who, each year, put up with the dust or mud. Mr. Schroers acknowledged the City staff that did a wonderful job and the FallFest Board that worked hard all year long to make it possible. He sent his special thanks to Jennifer Mellor for doing a fabulous job and for the many hours of work she put in chairing this year's event. He recognized Lori Graham as being in charge of the security for FallFest. Mr. Schroers explained that Saturday was a very hot day and they had a few incidents where Ms. Graham was right there to mobilize and make things happen. He went on to explain that Fantastic Friday was a matinee from 10:00 a.m. to 1:00 p.m. for Carroll County special needs students. He stated that 100 kids were bused in to have their own special FallFest. Finally, Mr. Schroers reported that Access Carroll nominated Kevin and Trish Wagman for FallFest King and Queen and after the online voting occurred it was apparent that everyone was rallying around them, they won, by a landslide. They will represent FallFest at events throughout the year. He stated that his favorite part was seeing them brought down the parade route and stopping the entire event to get Mr. Wagman out of his vehicle and up on stage with his determination and will.

Mr. Chiavacci added that he was judging with Mr. Wagman on the stage and he was amazed as his awareness of not only what was going on but his ability to turn the papers and write the points himself. He stated that he thought Mr. Wagman was so excited about being a part of it all that he was putting a tremendous amount of effort into what he was doing.

President Halstad clarified that Mr. Wagman suffered a debilitating stroke recently and that his comeback has been phenomenal.

Mr. Ehlers reported that the audit is continuing and moving into the single audit phase which is the audit of federal funds that the City has received. He added that the trial balance was completed on time and they are working on the financial statements.

Chief Spaulding reported on the Cops on Rooftops event was held on September 25th through the 26th. He explained that he and Lieutenant Andy Winner of the Maryland State Police spent thirty hours of the weekend on top of Dunkin' Donuts at the 140 Village Shopping Center to not only poke fun at the stereotype of cops and donuts, but to raise money for Special Olympics. He stated that they were there from 6:00 a.m. on Saturday until noon Sunday and exceeded their \$5,000 goal by collecting more than \$8,300 for Special Olympics. He thanked the Mayor, Council, and City staff, as well as all of the members of the community that came out to support the event. He went further to say that Jennifer Franciotti, a local news reporter and resident, came out to the event and up on the roof with them to do a thirty minute interview and put it on the 11:00 news. As a result, three different people showed up at 11:30 p.m. to donate. He recognized that a retired state trooper, who worked in the area and now owns a successful accident reconstruction business, presented them with a \$1,000 check. He added that the owner of the Dunkin' Donuts was very generous by feeding all of the staff and volunteers for the entire period and, at the end of the event, donated a \$1,000. He stated that they are very grateful to everyone who participated and covered the event; the media gave them the exposure that allowed them to get that many people to the event.

Chief Spaulding also reported that Kashon Harris, the person responsible for the shooting at Bishops Garth in February, was convicted today in Circuit Court. He explained that he was acquitted of the attempted murder charges, but convicted of multiple charges, including first degree assault, reckless endangerment, and the use of a hand gun in the commission of a felony. He added that the sentencing will take place in a couple of months, but he is confident that, given his criminal history, he will receive an extended period of incarceration. He gave Detective Jeff Schuster credit as the lead officer on the case, stating that a lot of time and effort was taken to do the case right.

Mr. Beyard reported that on September 21st, the Board of Zoning Appeals held their training and organization session and at the conclusion, they elected Ed Cramer as the Chair and Dan Hoff as Vice Chair. He stated that while they do not have any business before them, they are going to be doing an educational session, which is a requirement for planning commissioners and Board of Zoning Appeals members. He added that their intent is to extend the invitation to elected officials and staff. Mr. Beyard also reported that the old Lonestar Steakhouse has been demolished and the permits were pulled for the new Chipotle and Vitamin Shoppe project. He explained that the \$850,000 project, which will be starting soon, brought the City approximately \$22,000 in fees. Finally, Mr. Beyard welcomed Dr. Casey and informed him that in the past, many members of the faculty at McDaniel participated in the City's various Boards and Commissions. He recognized Peggy Bair, in attendance, who is a McDaniel employee, as well as the Chair of the Planning and Zoning Commission for many years. He also acknowledged Nancy Palmer as a faculty member of the college and a member of the same Commission. He finished by saying that the City has had some tremendous people who have given their time and effort to make the community better.

Ms. Wolf stated that while it was very kind that everyone thanked the City staff for all that they do for FallFest, the staff does very little. She explained that it is the tremendous amount of volunteers that make it happen, who put in the time for the whole four days. Ms. Wolf then reported that the City decided to have an Employee of the Month program to acknowledge the number of fine employees who do outstanding work. She recognized Bob Miller of the Office of Technology Services as the Employee of the Month for July. She explained that Mr. Miller figured out how to make the graph on all water bills reflect both gallons and cubic feet. He was able to figure out how to do that when the Eden support could not. She then announced that the August Employee of the Month award goes to Private First Class Adam Laser who has done a fantastic job in the Police department. She added that when he receives this award, it will be followed by the Police Officer of the Month award. Ms. Wolf also welcomed Dr. Casey and stated that she and the Mayor had the opportunity to meet with him recently. She went on to say that he indicated when he heard about the Paint the Town Purple that he would like the town painted green for him. She reported that when he makes his visits to the businesses on Main Street on November 4th, the City has planned some activities.

CITIZEN COMMENTS:

Rebecca Orenstein of 64 Pennsylvania Avenue thanked Councilman Pecoraro for his report of the status of the Tri-Street Area Advisory Committee. She also thanked the Mayor, Council, Police, and the City staff that watches Pennsylvania Avenue, Union Street, East Main Street so closely that it is really a comforting and enjoyable place to live. She stated that she feels really good living there knowing that she has government and security in partnership with her as a resident on that street. She added that it is a great place and an artistic place is coming. She recognized Captain Nancy Yeager who helped her recently with a small demonstration and added that she is a real gem in the Westminster Police Department. Finally, Mrs. Orenstein requested a letter recognizing her neighbor's receipt of her PhD in Educational Psychology from McDaniel College. She explained that it is a magnificent task when you are full-time teacher and mother and an amazing part of the Tri-Street area.

John Holbert of 15 Washington Lane presented the Mayor and Common Council with brochures from the Chamber on the Hill Music Series. He explained that that they are in their 21st season at McDaniel College. He reported that the September 19th concert was excellent and showcased two world-acclaimed musicians that played in the Liszt-Garrison competition at the College of Notre Dame of Maryland. He stated that there are three more scheduled concerts and a fifth is planned for July during the music camp for student musicians. He thanked the college for the kind service they have given through the years.

Mayor Utz extended his sincerest apologies to the Chamber on the Hill group for missing the recent concert. He explained that he was watching and providing food for the City staff during the water main break.

Lori Graham of 118 Pennsylvania Avenue reported that FallFest was an amazing weekend. She stated that they could not do it without the City; it would not happen. She also added that the charities were unbelievable; amazing people at what they do. She

recognized the Westminster and Taneytown Lions Clubs, Access Carroll, and Youth Services Bureau and stated that they were a dream to work with. She explained that they have always had great charities, but those were easy to get along with and very helpful and work with as a team. She thanked the volunteers and Council members that were around all weekend. She also thanked Larry Bloom and his staff for their help with Midnight Madness. Anything that FallFest needed, the volunteers and City staff worked on together. She commended the Chief and his staff, stating that everyone she had on her team was perfect to work with. Ms. Graham thanked Ms. Wolf for attending Fantastic Friday and several other times, adding that her presence was felt there and very much appreciated. She thanked Mr. Schroers and his staffing as well; expressing that she could not say enough good things about them. She continued by saying that she is looking forward to the next time FallFest is discussed at a Council meeting.

Mayor Utz added that when you grow up in Westminster and your parents take you downtown, all you did was watch people walk up and down Main Street. He explained that Midnight Madness brought back a lot of great memories.

Finally, Ms. Graham reported that the Holiday Parade is quickly approaching. She stated that Santa's Treat is coming along nicely and they have some things ready for Miracle on Main Street. She concluded by saying that they have already received a lot of parade applications.

ADJOURN:

Council President Halstad adjourned the meeting at 8:09 PM.

Respectfully Submitted,

Elizabeth L. Fahey